

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER

JAMES WILLIAM CAMPBELL,

Plaintiff,

v.

4:09-cv-14

LINCOLN COUNTY JAIL, et al.,

Defendants.

MEMORANDUM OPINION

On April 29, 2009, plaintiff was ordered to pay the \$350.00 filing fee or return a completed application to proceed *in forma pauperis*. Plaintiff's copy of that order, which was mailed to him at his last known address of Lincoln County Jail, was returned undelivered on May 27, 2009, with the notation "RTS Not Here." Plaintiff bears the burden of prosecuting his action, which includes informing the court of his correct mailing address, and he has not done so. Accordingly, this action will be **DISMISSED WITH PREJUDICE**, *sua sponte*, for failure to prosecute. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991). The court will **CERTIFY** that any appeal from this action would not be taken in good faith and would be totally frivolous. *See* Fed. R. App. P. 24.

AN APPROPRIATE ORDER WILL ENTER.

/s/Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE